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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In re

Amendment of Section 73.202(b) )  
Table of Assignments )  
FM Broadcast Stations )  
Winner and Wessington Springs, )  
South Dakota )

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DOCKET FILE COPY ORIGINAL

To: Chief, Allocations Branch

PETITION FOR RULE MAKING

Midwest Radio Corporation ("Midwest"), by its attorneys,  
hereby petitions for rule making to amend Section 73.202(b) of  
the Commission's rules.

Midwest is the permittee of unbuilt FM station KGGK on  
Channel 253C1 at Winner, South Dakota (File No. BPH-940620MB)  
("KGGK"). Herein, it requests the Commission to substitute  
Channel 252C1 at Wessington Springs, South Dakota, for Channel  
253C1 at Winner, South Dakota; and, to modify KGGK's construction  
permit to specify Wessington Springs as the station's community  
of license. In support thereof, the following is shown.

This petition is filed pursuant to Section 1.420(i) of the  
rules since the channels are mutually exclusive and the change of  
community of license would provide a first local service to  
Wessington Springs. Accordingly, no competing expressions of  
interest to the Wessington Springs allotment will be permitted  
and Midwest will not risk the loss of its authorization to  
competing applicants.

Reallotting Channel 253C1 to Wessington Springs will not

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deprive Winner of an "existing service." The Commission recognized at paragraph 19 and footnote 16 of its modification of FM and TV Authorizations to Specify New Community of License, 4 FCC Rcd 4870, (1989) recon. granted in part, 5 FCC Rcd 7094 (1990) that for purposes of changing a community license, the phrase "existing service," excludes bare construction permits. Midway, Panacea and Quincy, Florida 10 FCC Rcd 6112, ¶6 (Mass Media Bur. 1995). As noted above, KGGK is an unbuilt station. Furthermore, adoption of Midwest's proposal will result in a preferential arrangement of allotments by bringing a first local transmission service to Wessington Springs while Winner would retain local service from stations KWYR and KWYR-FM.

Wessington Springs is an incorporated community of 1,083 people with its own local government consisting of an elected mayor and city council. It is located on State Route 34 in Jerrauld County. The 1990 U.S. Census shows a county population of 2,425. Neither Winner nor Wessington Springs are within or near any urbanized area.

Wessington Springs has its own post office and zip code: 57382. It is home to its own public school system serving students in grades K-12, public library, fire department, hospital, medical clinic, nursing home, 10 churches, bank, a weekly newspaper, recreational facilities, civic organizations, Chamber of Commerce, and a full complement of businesses and other services consistent with a community of its size.

As shown by the attached engineering exhibit, Channel 252C1

can be allotted to Wessington Springs in compliance with the Commission's minimum distance separation requirements from the proposed reference coordinates of 44° 04' 45" and 98° 34' 09".

Midwest will promptly apply to modify its construction permit to reflect the new community upon favorable Commission action on this petition, and will promptly construct the new facilities upon grant of the application.

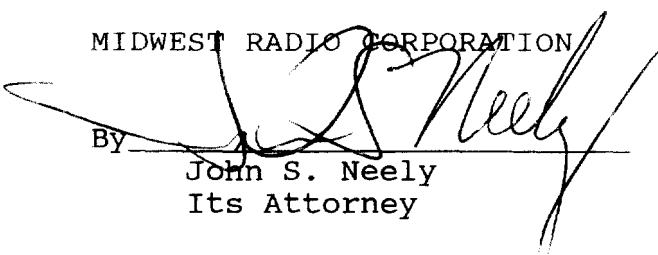
In view of the above, the Commission should amend Section 73.202(b) as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Wessington Springs, SD	-----	252C1
Winner, SD	229C1, 253C1	229C1

Respectfully Submitted,

MIDWEST RADIO CORPORATION

BY

  
John S. Neely  
Its Attorney

May 13, 1996

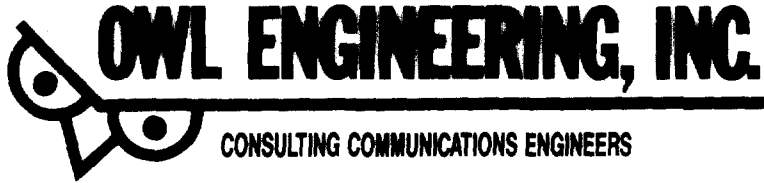
Miller & Miller, P.C.  
P.O. Box 33003  
Washington, DC 20033



CONSULTING COMMUNICATIONS ENGINEERS

1306 W. County Road F, St. Paul, MN 55112  
(612) 631-1338 • Fax (612) 631-3502  
1-800-797-1338

**ENGINEERING STATEMENT ON BEHALF OF  
MIDWEST RADIO CORPORATION  
IN SUPPORT OF A PETITION TO AMEND  
THE FM TABLE OF ALLOTMENTS  
WESSINGTON SPRINGS, SOUTH DAKOTA**



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Owl Engineering, Inc. has been retained by Midwest Radio Corporation (hereafter Midwest) to prepare this engineering statement in support of a Petition to Amend the FM Table of allotments, FCC Rule Section 73.202(b) as follows:

<u>Location</u>	<u>Present</u>	<u>Proposed</u>
Wessington Springs, SD Winner, SD	229C1,253C1	252C1 229C1

The reference coordinates for Wessington Springs, SD used in this study are:

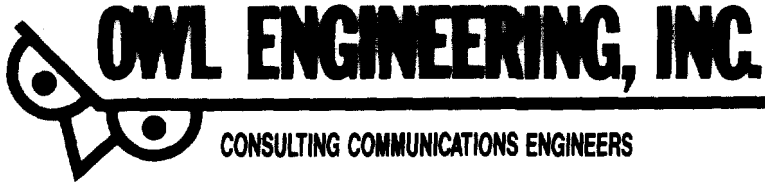
44° 04' 45" North Latitude  
98° 34' 09" West Longitude

The reference coordinates for Winner, SD used in this study are:

43° 22' 24" North Latitude  
99° 51' 30" West Longitude

The community of Wessington Springs has a population of 1,083 persons based on 1990 US Census data.

The reference coordinates listed above represent the center of Wessington Springs. A site restriction is not required to accommodate channel 252C1 at Wessington Springs. Included as Engineering Exhibit E-1 is a channel allocation study based on the reference coordinates. As can be seen from this exhibit, Midwest's proposal is in complete conformance with FCC Rule Section 73.207 with the exception of channel 253C1 at Winner, SD. It is proposed to delete channel 253C1 at Winner to accommodate this proposal.



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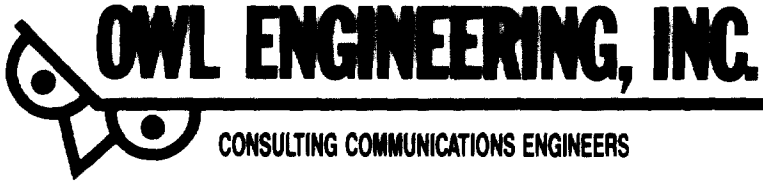
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The proposed channel at Wessington Springs will be afforded a wide selection of transmitter sites. There will be ample land area available that will allow Midwest to comply with FCC Rule Section 73.315 regarding minimum signal coverage requirements to the community of license. In addition, there will be sufficient land available to satisfy FAA concerns, the State of South Dakota Department of Transportation concerns (which impose restrictions beyond FAA requirements), and local zoning issues.

An engineering study was performed to determine the number of persons that would be served by a Class C1 facility based on the reference coordinates for Wessington Springs. The 60 dBu contour was calculated and is depicted in Engineering Exhibit E-2. The proposed Class C1 facilities at Wessington Springs would serve a population of 53,939 persons encompassed in an area of 16,357 km<sup>2</sup>.

The reference coordinates for Winner were also evaluated to determine the number of persons that would be served by a Class C1 facility operating from this location. It was determined that a Class C1 facility would serve a population of 22,521 persons encompassed in an area of 16,385 km<sup>2</sup>.



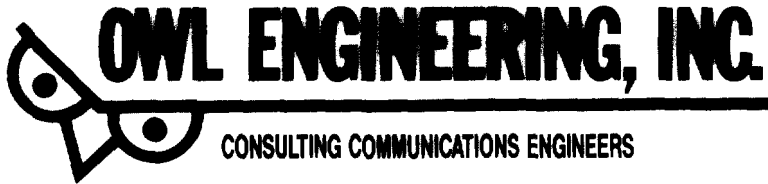
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Based on the engineering studies provided, the following conclusions can be obtained:

1. The proposal will provide Wessington Springs with a first local full time broadcast service.
2. Based on 1990 US Census data, 53,939 persons will be served by a signal of 60 dBu or greater from the reference coordinates.
3. The proposed channel at Wessington Springs will provide 60 dBu service to 140 percent more population than the present channel at Winner.
4. The proposal meets the requirements of FCC Rule Section 73.315.
5. The proposal meets the requirements of FCC Rule Section 73.207.



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**AFFIDAVIT**

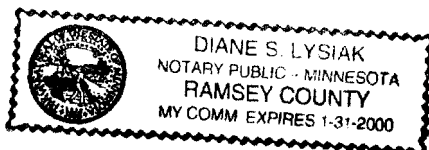
RAMSEY COUNTY )  
STATE OF MINNESOTA ) **SS:**

Michael W. Radovich, being first duly sworn, says that he is an employee of Owl Engineering, Inc., consulting communications engineers with offices in Arden Hills, Minnesota; that his qualifications as an expert in communications engineering are a matter of record with the Federal Communications Commission; that the foregoing exhibit was prepared by him and under his direction; and that the statements contained therein are true of his own personal knowledge except those stated to information and belief and, as to those statements, verily believes them to be true and correct.



*Michael W. Radovich*  
Michael W. Radovich, P.E.

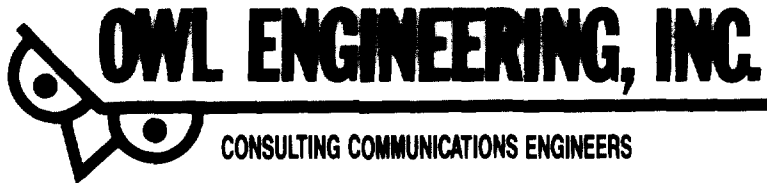
Subscribed and sworn to before me this date May 9, 1996



*Diane S. Lysiak*  
Diane S. Lysiak  
Notary Public

My commission expires January 31, 2000





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## ENGINEERING EXHIBIT E-1

### CHANNEL ALLOCATION STUDY

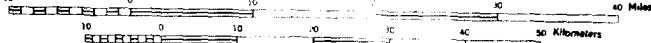
Job Title-> Wessington Springs, SD  
FM Channel 252-C1 ( 98.3 MHz)

LATITUDE: 44 4' 45" LONGITUDE: 98 34' 9"

CHNL	Call Status	Owner	City	Class	Calculated Km.	Required Km.	Clear- ance	Bearing degrees
249	VACANT	FASD	Redfield	A	88.53	75	13.53	2.59
				44 52' 30"	98 31' 6"			
250	NO CONFLICT							
251	NO CONFLICT							
252	NEW	FMND	Carrington	C1	337.04	245	92.04	353.98
	CP	Two Rivers Broadcast		47 5' 38"	99 2' 11"		BPH931109MC	
	CP expires 970912							
252	KBBNFM	FMNE Broken Bow		A	310.07	200	110.07	196.37
	LIC	Custer County Broadc		41 23' 49"	99 37' 2"		BMLH901018KC	
253	USED	FASD	Winner	C1	130.15	177	-46.85	233.30
				43 22' 24"	99 51' 30"			
254	NO CONFLICT							
255	NO CONFLICT							

# STATE OF SOUTH DAKOTA

Scale 1:100,000  
1 inch equals approximately 16 miles



PREDICTED 60 DBU  
WESSINGTON SPRINGS, SD

DVL ENGINEERING, INC.  
ENGINEERING EXHIBIT E-2